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**IN THE
COURT OF APPEALS OF INDIANA**

GEORGE GOODE,

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 45A03-0603-CR-142

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Salvador Vasquez, Judge
Cause No. 45G01-9706-CF-125

February 13, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

George Goode appeals his conviction for voluntary manslaughter, a Class A felony. We affirm.

Issue

The sole issue for our review is whether the trial court erred in admitting Goode's confession into evidence.

Facts

In June 1997, Goode shot and killed his pregnant girlfriend, Ella Harbor, as she sat in her car at 24th and Clark Streets in Gary. Goode shot at her seven or eight times and hit her five times. Goode then drove Harbor's car and dead body to a vacant lot fourteen blocks away from the shooting. When the police arrived at the lot, they found Goode standing next to Harbor's car holding Harbor's young child. Gary Auxiliary Police Officer Henry Davis approached the car and asked Goode what had happened. Goode responded that Harbor had been killed in a drive-by shooting. When police officers pointed out that the shooting could not have happened the way Goode described it, Goode's demeanor changed. The police read him his Miranda rights, which he stated that he understood. He did not request an attorney. Soon thereafter Goode confessed to shooting Harbor. After he confessed, Goode suffered from a seizure. He did not appear intoxicated or mentally impaired.

The State charged Goode with murder. Eight years later, after several alternating determinations of competency and incompetency, the trial court found Goode competent to stand trial. Goode filed a motion to suppress his confession, which the trial court

denied. In 2006, a jury convicted Goode of voluntary manslaughter, and the trial court sentenced him to twenty-five years. Goode appeals his conviction.

Analysis

Goode's sole issue is that the trial court erred in admitting his confession into evidence. Specifically, Goode contends that the trial court should not have admitted the confession into evidence because he had "borderline mental retardation, and at most, an eight to nine year old level of intelligence. Additionally, the defendant was crying and went into a seizure while he was being interrogated by the police." Appellant's Br. p. 5. According to Goode, his borderline mental retardation rendered his confession involuntary. However, a defendant's claimed mental condition does not render a confession involuntary absent coercive police conduct. Stevens v. State, 770 N.E.2d 739, 750 (Ind. 2002), cert. denied, 540 U.S.830 (2003) (citing Colorado v. Connelly, 479 U.S. 157, 167, 107 S.Ct. 515, 522 (1986)) (holding that even when a defendant's mental condition is questioned, coercive police conduct is a predicate to finding a defendant's confession involuntary). Here, Goode does not allege coercive police conduct. His argument must therefore fail.

We further note that Goode's reliance on Blatz v. State, 175 Ind. App. 26, 369 N.E.2d 1086 (1977), is misplaced. In Blatz, an eighteen-year-old with only eight years of special education for the "slow learner" was arrested for theft. Id. at 1088. Fifteen hours after his arrest, he signed a waiver of rights form and requested an attorney, but made no statement. His request for an attorney was apparently ignored because more than four days after his arrest, the police sought another statement from him. Blatz, who had been

detained for those four days, signed a second waiver of rights form and gave an incriminating statement that was admitted at trial. A jury convicted Blatz of theft. On appeal, he argued that the trial court erred in admitting his statement. This court noted that the police should have terminated questioning Blatz until he consulted with an attorney when he requested one. We also noted that Blatz was detained more than ninety-six hours before he gave his statement. This period of detention exceeded the forty-eight-hour maximum prescribed by IC 1971, 18-1-11-8. Further, after giving the statement, Blatz was held for an additional two days before his initial judicial hearing. In light of all of these circumstances, this court concluded that the trial court erred in admitting Blatz's statement into evidence. Id. at 1090. Because the statement was an essential part of the State's case against Blatz, we reversed and remanded the case for a new trial. Id.

The facts before us, however, are distinguishable from those in Blatz. Here, Goode made his statement shortly after officers arrived at the scene and read him his Miranda rights. He did not request an attorney, and his statement was given before, not after, being detained. We find no error here.

Conclusion

The trial court did not err in admitting Goode's confession into evidence. We affirm.

Affirmed.

BAILEY, J., and VAIDIK, J., concur.